

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROBERT J. DOW,)	
)	
Plaintiff)	
)	
v.)	Case No. 2:08-cv-00332-HGD
)	
CITY OF ALABASTER, et al.,)	
)	
Defendants)	

ORDER

On October 17, 2008, the magistrate judge's report and recommendation was entered and the parties were allowed therein eleven (11) days in which to file objections to the recommendations made by the magistrate judge. On October 27, 2008, plaintiff filed objections to the magistrate judge's report and recommendation. On October 28, 2008, defendants filed objections to the magistrate judge's report and recommendation.

After careful consideration of the record in this case, the magistrate judge's report and recommendation and objections thereto, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge and it is, therefore,

ORDERED, ADJUDGED and DECREED:

(1) that all fictitious parties are STRICKEN and DISMISSED from the amended complaint;

(2) that defendants' motion to dismiss (Doc. #10) is DENIED as MOOT;

(3) that defendants' motion to dismiss the first amendment to the complaint and to dismiss the revised complaint (Docs. #17 & 20), wherein plaintiff seeks to add Frings, Howard and Sims, in their individual capacities, is DENIED;

(4) that the motion to dismiss the claim for punitive damages against the City of Alabaster and defendants in their official capacities is GRANTED;

(5) that the motion to dismiss the claim for punitive damages against the individual defendants in their individual capacities is DENIED;

(6) that the motion to dismiss Count Four, plaintiff's claim of conspiracy pursuant to 42 U.S.C. § 1985(3), is GRANTED;

(7) that the motion to dismiss plaintiff's state law tort claims, Counts Two, Three, Five and Six, against the City of Alabaster is GRANTED; and

(8) that the motion to dismiss Count Seven is DENIED.

Done this 4th day of November 2008.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
153671

